

CHESHIRE EAST COUNCIL AND CHESHIRE WEST AND CHESTER COUNCIL

REPORT TO: SHARED SERVICES JOINT COMMITTEE

Date of Meeting:	3 February 2010
Report of:	CHRIS HINDLE HEAD OF PLANNING AND TRANSPORTATION AND HIGHWAYS
Subject/Title:	TRANSPORT CONTRACT BADGE POLICY

1.0 Report Summary

- 1.1 To agree and adopt the attached policy for the issue of badges (referred to as the “contract badge” throughout this report) authorising drivers and escorts employed by third parties to operate vehicles in relation to transport contracts across the boroughs of both Councils.

2.0 Recommendations

- 2.1 To adopt the attached policy for the issue of badges authorising drivers and escorts employed by third parties to operate vehicles in relation to transport contracts across the boroughs of both Councils.
- 2.2 That the Borough Solicitor be requested to prepare changes to the governing instrument to set up a formal process for taking urgent decisions outside the regular cycle of meetings, based on receiving the approval of two members, one being from each of the two Councils.

3.0 Reasons for Recommendations

- 3.1 Following the judgment of the High Court after a Judicial Review of the former County Council’s procedure, it is necessary to issue a new policy specifying in particular the criteria to be used in deciding whether to issue a contract badge to an applicant.
- 3.2 The Constitution of the Joint Committee does not currently include a procedure for urgent decisions should they become necessary between meetings. The Committee is asked to consider the addition of such a provision in order to facilitate any such future requirements.

4.0 Wards Affected

- 4.1 All wards within the boroughs of Cheshire East and Cheshire West and Chester

5.0 Local Ward Members

5.1 All Members of both councils.

6.0 Policy Implications including - Climate change None - Health None

6.1 This policy when adopted will replace the existing policy and procedure operated by Integrated Transport Shared Service.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 There are no additional costs to be incurred by either Council.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 There are no additional costs to be incurred by either Council.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The policy has been written in conjunction with the Legal Services of both Councils, and is approved by both.

10.0 Risk Management

10.1 The policy is required to comply with the Judgment of the High Court. Failure to adopt a new policy may lead to further court action.

11.0 Background and Options

11.1 The attached report went to Shared Services Joint Officer Board on 16 December 2009 . The recommendation of the JOG was that the matter be referred to Cllrs Ford and Mason to be agreed on behalf of the Councils and for the matter to be referred back to the next Shared Services Committee for final ratification. The purpose of this report is to comply with the recommendation of the JOG and to inform the Committee that Cllrs Ford and Mason have agreed the policy on behalf of both Councils.

12.0 Overview of Year One and Term One Issues

12.1 The policy may be subject to change from time to time as policy and procedures change, or if there is a change in the law.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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